

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Simon Wang	Team: Squad #10	CCRB Case #: 201802534	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 03/02/2018 6:50 PM	Location of Incident: § 87(2)(b)	Precinct: 48	18 Mo. SOL 9/2/2019	EO SOL 9/2/2019	
Date/Time CV Reported Sat, 03/31/2018 3:41 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Sat, 03/31/2018 3:41 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. LT Kurtis Rose	00000	946196	048 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Daniel Wynohradnyk	04776	961583	048 PCT
2. POM Jakub Zadlo	06401	962184	048 PCT
3. POM Nestor Nazario	19277	958974	048 PCT
4. POM Eric Byrd	04840	961662	048 PCT
5. POM Obrian Barnett	18959	958290	048 PCT
6. POF Elizabeth Velazquez	18694	921835	048 PCT

Officer(s)	Allegation	Investigator Recommendation
A.LT Kurtis Rose	Abuse: Lieutenant Kurtis Rose forcibly removed § 87(2)(b) to the hospital	§ 87(2)(b)

Case Summary

On March 31, 2018, § 87(2)(b) filed the following complaint with the CCRB. On March 2, 2018, at approximately 6:50 p.m., § 87(2)(b) was at her ex-boyfriend § 87(2)(b)'s house at § 87(2)(b) in the Bronx. § 87(2)(b) called 911 and claimed that § 87(2)(b) choked her. Police officers arrived, including Lt. Kurtis Rose of the 48th Precinct. Lt. Rose determined that § 87(2)(b) should be removed to the hospital as an Emotionally Disturbed Person (**Allegation A – Abuse of Authority:** § 87(2)(g) § 87(2)(b) was handcuffed and transported by ambulance to § 87(2)(b) where she was given a psychological evaluation and released.

Multiple police officers were equipped with Body worn cameras during this incident.

Findings and Recommendations

Allegation (A) Abuse of Authority: Lieutenant Kurtis Rose forcibly removed § 87(2)(b) to the hospital

§ 87(2)(g) It is undisputed that Lt. Rose determined that § 87(2)(b) would be removed to the hospital.

§ 87(2)(b) stated (**Board Review 1**) that § 87(2)(b) was her ex-boyfriend whom she has known for over 20 years, and § 87(2)(b)'s brother was her best friend. § 87(2)(b) believes that § 87(2)(b) has been stalking her, breaking into her car to plant tracking devices. § 87(2)(b) stated that she has never seen him do so, but knows that he is doing it because she has found wires and other items in her car. § 87(2)(b) also stated that she knows § 87(2)(b) has been stalking her because he is a narcissist and she believes that narcissists exhibit such behavior.

On March 2, 2018, § 87(2)(b) went to a doctor's office in Brooklyn. Upon returning to her car, she found that her car had been disturbed. § 87(2)(b) drove to § 87(2)(b) in the Bronx where § 87(2)(b) lived in order to confront him. § 87(2)(b) knocked on § 87(2)(b)'s door and he answered. § 87(2)(b) stated she wanted to speak to § 87(2)(b)'s wife. § 87(2)(b) allegedly pushed her and told her to leave. § 87(2)(b) said she would call the police and began walking back towards her car. § 87(2)(b) allegedly followed her and grabbed her by the neck. § 87(2)(b) released her and returned to the house. § 87(2)(b) and § 87(2)(b) both called the police separately. Police officers responded to the location and asked her what happened. § 87(2)(b) stated that she informed the officers of her history with § 87(2)(b) as well as his actions towards her.

Lt. Rose stated (**Board Review 2**) that he spoke to § 87(2)(b) and other officers on the scene who had responded earlier. § 87(2)(b) told Lt. Rose she was at a car mechanic in Brooklyn where § 87(2)(b) allegedly broke into her car. § 87(2)(b) did not offer a rational reason to believe § 87(2)(b) broke into her car. § 87(2)(b) also told him that § 87(2)(b) has been stalking her and moving items around in her car. § 87(2)(b) denied assaulting her and stated that § 87(2)(b) has been having an affair with his brother, but she has been acting irrationally

and pursuing him. Lt. Rose then learned that § 87(2)(b)'s wife stated that § 87(2)(b) had been home all day. Lt. Rose stated that within the last year, he had undergone Crisis Intervention training at the Police Academy, which included training regarding paranoid and delusional thinking. He believed § 87(2)(b) was exhibiting such behavior. He also believed that § 87(2)(b)'s actions were placing herself into dangerous situations and she needed medical attention. Lt. Rose stated that he was the highest ranking officer on the scene and that it was his decision for § 87(2)(b) to be removed to the hospital. Lt. Rose decided that due to the lack of visible injuries, the lack of any witnesses, no sign of commotion and § 87(2)(b)'s inconsistent statements, there was not sufficient evidence to arrest § 87(2)(b) for assault. He instructed other officers to fill out a Domestic Incident Report (**Board Review 3**) to document § 87(2)(b)'s allegations. He also instructed them to call an ambulance and transport § 87(2)(b) to the hospital as an EDP.



Body worn camera videos showed officers speaking with § 87(2)(b) § 87(2)(b)'s wife and amongst themselves. The videos were consistent with the statements by § 87(2)(b) and Lt. Rose. As the clip above shows, Lt. Rose first informed § 87(2)(b) she was going to the hospital and that officers would be placing her in handcuffs. § 87(2)(b) did not resist being placed in handcuffs. Lt. Rose then informed § 87(2)(b) that she was going to the hospital for a psychiatric evaluation. § 87(2)(b) then stated that she worked at a psychiatric facility and that § 87(2)(b) has mental health problems. She then stated that she understood that officers had to act on evidence and that they were doing their jobs but there was nothing wrong with her. The officers then discussed logistics of bringing her to the hospital and gathering her possessions to bring with her.

According to Patrol Guide Procedure 221-13, an emotionally disturbed person is defined as “A person who appears to be mentally ill or temporarily deranged and is conducting himself in a manner which a police officer reasonably believes is likely to result in serious injury to himself or others.” **(Board Review 4)**

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§ 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first and only complaint to which § 87(2)(b) has been a party (**Board Review 5**).
- Lt. Rose has had three other complaints involving five allegations made against him in his ten year tenure at the NYPD. None of the allegations have been substantiated § 87(2)(g).

Mediation, Civil and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.
- According to the Office of the New York City Comptroller, there has been no notice of claim filed for this incident.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
[REDACTED]

Squad No.: 10

Investigator: _____ Inv. Simon Wang _____ 05/31/18
Signature Print Title & Name Date

Squad Leader: _____

Signature	Print Title & Name	Date
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Reviewer: _____

Signature	Print Title & Name	Date
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